

**AMENDMENTS TO THE CLAIMS:**

**Please cancel claims 1, 3-5, 9-11, 13-15 and 18-21 without prejudice or disclaimer.**

1. (Canceled)

2. (Currently amended) A nonaqueous electrolyte battery comprising:

a positive electrode, a negative electrode, and a nonaqueous electrolyte,

wherein the positive electrode comprises a positive active material comprising a composite oxide having an  $\alpha$ -NaFeO<sub>2</sub>-type crystal structure and represented by a composite formula:  $\text{Li}_x\text{Mn}_a\text{Ni}_b\text{Co}_c\text{M}_d\text{O}_2$  (wherein  $0 \leq x \leq 1.1$ ,  $a+b+c+d=1$ ,  $|a-b| < 0.05$ ,  $0.33 \leq c \leq 0.84$ , d has a value of 0.1 or less  $0 < d \leq 0.1$ ) and having an  $\alpha$ -NaFeO<sub>2</sub>-type crystal structure, and wherein M comprises a member selected from the group consisting of V, Al, Mg, Cr, Ti, Cu and Zn, and wherein the nonaqueous electrolyte comprises a cyclic carbonate having a carbon-carbon  $\pi$  bond in an amount which is not greater than 20% by weight of said nonaqueous electrolyte.

3-5. (Canceled)

6. (Previously presented) The nonaqueous electrolyte battery according to claim 2, wherein the cyclic carbonate having a carbon-carbon  $\pi$  bond comprises at least one member selected from the group consisting of vinylene carbonate, styrene carbonate, catechol carbonate, vinylethylene carbonate, 1-phenylvinylene carbonate, and 1,2-diphenylvinylene carbonate.

7. (Currently amended) The nonaqueous electrolyte battery according to claim 2, wherein the ~~above~~ negative electrode comprises graphite.

8. (Previously presented) The nonaqueous electrolyte battery according to claim 2, wherein the nonaqueous electrolyte comprises a mixture of an inorganic lithium salt and an organic lithium salt having a perfluoroalkyl group.

9-11. (Canceled)

12. (Canceled)

13-15. (Canceled)

16. (Currently amended) A nonaqueous electrolyte battery comprising:

a positive electrode, a negative electrode, and a nonaqueous electrolyte,

wherein the nonaqueous electrolyte comprises a cyclic carbonate having a carbon-carbon  $\pi$  bond in an amount which is not greater than 20% by weight of said nonaqueous electrolyte, and

wherein the positive electrode comprises a positive active material comprising a composite oxide having an  $\alpha$ -NaFeO<sub>2</sub>-type crystal structure and represented by a composite formula:  $\text{Li}_x\text{Mn}_a\text{Ni}_b\text{Co}_c\text{O}_2$  (wherein  $0 \leq x \leq 1.1$ ,  $a+b+c=1$ ,  $|a-b| < 0.05$ ,  $0.67 \leq c \leq 0.84$ ),

wherein the negative electrode comprises graphite, and

~~The nonaqueous electrolyte battery according to claim 4,~~

wherein said graphite comprises a modified graphite that has been modified by adding thereto at least one member selected from the group consisting of a metal oxide, phosphorus, boron, and amorphous carbon.

17. (Currently amended) A nonaqueous electrolyte battery comprising:

a positive electrode, a negative electrode, and a nonaqueous electrolyte,

wherein the nonaqueous electrolyte comprises a cyclic carbonate having a carbon-carbon  $\pi$  bond in an amount which is not greater than 20% by weight of said nonaqueous electrolyte, and

wherein the positive electrode comprises a positive active material comprising a composite oxide having an  $\alpha$ -NaFeO<sub>2</sub>-type crystal structure and represented by a composite formula:  $\text{Li}_x\text{Mn}_a\text{Ni}_b\text{Co}_c\text{O}_2$  (wherein  $0 \leq x \leq 1.1$ ,  $a+b+c=1$ ,  $|a-b| < 0.05$ ,  $0.67 \leq c \leq 0.84$ ),

wherein the negative electrode comprises graphite, and

~~The nonaqueous electrolyte battery according to claim 4,~~

wherein said graphite comprises a combination of a graphite with one of a lithium metal and a lithium metal-containing alloy.

18-21. (Canceled)

22. (New) The nonaqueous electrolyte battery according to claim 16, wherein the cyclic carbonate having a carbon-carbon  $\pi$  bond comprises at least one member selected from the group consisting of vinylene carbonate, styrene carbonate, catechol carbonate, vinylethylene carbonate, 1-phenylvinylene carbonate, and 1,2-diphenylvinylene carbonate.
23. (New) The nonaqueous electrolyte battery according to claim 17, wherein the cyclic carbonate having a carbon-carbon  $\pi$  bond comprises at least one member selected from the group consisting of vinylene carbonate, styrene carbonate, catechol carbonate, vinylethylene carbonate, 1-phenylvinylene carbonate, and 1,2-diphenylvinylene carbonate.
24. (New) The nonaqueous electrolyte battery according to claim 16, wherein the nonaqueous electrolyte comprises a mixture of an inorganic lithium salt and an organic lithium salt having a perfluoroalkyl group.
25. (New) The nonaqueous electrolyte battery according to claim 17, wherein the nonaqueous electrolyte comprises a mixture of an inorganic lithium salt and an organic lithium salt having a perfluoroalkyl group.
26. (New) The nonaqueous electrolyte battery according to claim 16, wherein said nonaqueous electrolyte further comprises a nonaqueous solvent including at least one cyclic organic compound having no carbon-carbon  $\pi$  bond.
27. (New) The nonaqueous electrolyte battery according to claim 26 wherein said cyclic organic compound having no carbon-carbon  $\pi$  bond comprises at least one member selected from the group consisting of ethylene carbonate, propylene carbonate, and butylene carbonate.
28. (New) The nonaqueous electrolyte battery according to claim 17, wherein said nonaqueous electrolyte further comprises a nonaqueous solvent including at least one

cyclic organic compound having no carbon-carbon  $\pi$  bond.

29. (New) The nonaqueous electrolyte battery according to claim 28, wherein said cyclic organic compound having no carbon-carbon  $\pi$  bond comprises at least one member selected from the group consisting of ethylene carbonate, propylene carbonate, and butylene carbonate.

30. (New) The nonaqueous electrolyte battery according to claim 26, wherein a total amount of said cyclic carbonate having a carbon-carbon  $\pi$  bond and said cyclic organic compound having no carbon-carbon  $\pi$  bond is in a range from 0.01% to 20% by weight of said nonaqueous electrolyte.

31. (New) The nonaqueous electrolyte battery according to claim 28, wherein a total amount of said cyclic carbonate having a carbon-carbon  $\pi$  bond and said cyclic organic compound having no carbon-carbon  $\pi$  bond is in a range from 0.01% to 20% by weight of said nonaqueous electrolyte.